REMARKS

Now in the application are Claims 1-6, 8-18, and 20-26 of which Claims 1, 6, 11, 13, 18, 21, 22, 23, and 26 are independent. This amendment amends Claims 6, 8, 10, 13, 18, 20, 21, 22, 23, and 26, and cancels Claims 7 and 19. These amendments present no new matter and they present no new issues. Thus, consideration of the proposed amendments requires no further search. The following comments address all stated grounds of rejection and place the presently pending claims, as identified above, in condition for allowance.

Claim Amendments

Claim 6 is amended to include the subject matter recited in original Claim 7. Claims 8 and 10 are amended to reflect proper dependencies in view of the cancellation of Claim 7. Claim 13 is amended to more fully appreciate Applicant's invention. Claim 18 is amended to include the subject matter recited in original Claim 19. Claim 19 is cancelled and Claim 20 is amended to reflect proper dependency after the cancellation of Claim 19. Claims 21, 22, and 26 are amended to clarify Applicant's invention in order to more fully appreciate the scope of each claimed invention. Claim 23 is amended to correct certain informalities and is not amended to address any art rejection.

Claim Rejections under 35 U.S.C. § 103

Claims 1-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,012,095 (hereinafter "Thompson"). Applicant respectfully traverses these rejections on the basis of the following arguments and further contends that Thompson fails to teach or suggest each and every element of these claims, as described below, and hence, does not detract from the patentability of each claimed invention.

For the ease of the discussion below, each respective claim set rejected under 35 U.S.C. § 103(a) is discussed separately.

A. Rejection of Claims 1-5 under 35 U.S.C. § 103(a):

The Office Action rejects Claims 1-5 as being unpatentable over Thompson. Applicant respectfully traverses this rejection of the basis of the following arguments, and further contends that Thompson fails to teach or suggest each and every element of these claims, as described below, and hence, does not detract from the patentability of the claimed invention.

Claims 1-5 are directed to a system for providing service level management in a network. A service under service level management is composed of network components and a state of the service depends on the state of the network components. The system includes multiple monitoring agents to each monitor a respective aspect of operation of the network. Each monitoring agent being configured to detect one or more events relative to the respective aspect of operation of the network and to generate an alarm as a function of the one or more detected events. The system further includes an alarm correlation agent to receive the one or more alarms from the multiple monitoring agents to determine a state of a service. If necessary, the alarm correlation agent issues one or more instructions to establish a desired state of the service to provide service level management in the network.

In other words, the system for providing service level management in a network recited in Claims 1-5 determines if a relationship exists between alarms generated with respect to different operating characteristics of the network to determine a level of service in the network. The level of service provides a value representative of a service quality in the network. As such, performance metrics defined under a Service Level Agreement (SLA) are compared with one or more service levels to determine compliance with the SLA. If the comparison indicates it is necessary to take some action, functions within the network are modified in attempt to come into compliance with the defined performance metrics. As such, the system provides a structure, an operation and a function to improve performance of a function a network provides for a business process.

The Thompson patent is concerned with a generic notifications framework system and method for enhancing operation of a management station on a network. The generic notifications framework system of Thompson integrates information from different protocols in a management station interfaced with a network and permits correlation of the information to make more sophisticated management decisions. The generic notifications framework system has one or more protocol specific translators in communication with the network, a generic notifications framework and communication with the translators, and one or more consumer

components in communication with the framework. The translators receive event data elements corresponding with different management protocols from the network and translate the event data elements into respective canonical data structures. Each of the canonical data structures includes (a) a generic field that is common to generally all of the canonical data structures, (b) one or more attribute fields generated by the translator based upon an examination of a protocol data unit associated with each of the event data elements, and (c) a protocol data unit that is generally identical to the native protocol data unit that arrived with the event data element. The consumer components register with the framework to receive any canonical data structures having particular attribute fields. The generic notifications framework forwards the appropriate canonical data structures to the appropriate consumer components based on the attribute field values. The correlator may be associated with the framework to correlate the canonical data structures to derive an intelligent event data element, which is essentially the result of an assimilation and logical evaluation of various event data elements. In other words, Thompson provides an event translator configured to translate protocol specific event data into a canonical data structure having a format understandable by multiple consumer components to enable the sharing of events from different management protocols, such as SNMP, ISO, DCE, SNA, and NW. *See* column 7, lines 29-44 of Thompson. As such, the system of Thompson has a structure and a function and an operation, distinct from the structure and function and operation of the system for providing service level management in a network recited in Claims 1-5.

The system of Claims 1-5 includes multiple monitoring agents and an alarm correlation agent. The alarm correlation agent receives one or more alarms from the monitoring agents to determine a state of a service and, if necessary, to issue one or more instructions to establish a desired state of the service. In the Office Action, the Examiner cites element 252 illustrated in Figures 2, 6, and 7 as teaching or suggesting the claimed alarm correlation agent. Nevertheless, Figures 2, 6, and 7, and the corresponding text from the specification teach that element 252 is an event translator. That is, the event translator of the Thompson patent is configured to translate event data in a protocol specific format into a standardized format or a canonical data structure. The canonical data structure is capable of being correlated with other canonical data structures corresponding to other event data, regardless of protocols associated with the event data. *See*,

column 7, lines 38-44 of Thompson. The structure, operation, and function of the event translator provides a mechanism that formats data from a first format to a second standardized format where the second standardized format is a common data format understood by the generic notifications framework system of Thompson. Nowhere in the Thompson patent is there a teaching or suggestion that the event translator receives one or more alarms from monitoring agents to determine a state of service, and, if necessary, to issue one or more instructions to establish a desired state of the service. The event translators of the Thompson patent are concerned with overcoming problems associated with data collection from data sources having multiple data formats. The event translator of Thompson is not an alarm correlation agent to receive one or more alarms from monitoring agents to determine a state of a service and, if necessary, to issue one or more instructions to establish a desired state of the service as recited in Claims 1-5. Accordingly, the Thompson patent fails to teach or suggest each and every element of Claims 1-5. Hence, Applicant respectfully requests the Examiner to reconsider and withdraw the rejections of Claims 1-5 under 35 U.S.C. § 103(a).

B. Rejection of Claims 6-10 under 35 U.S.C. § 103(a):

The Office Action rejects Claims 6-10 as being unpatentable in view of Thompson. The Applicant respectfully traverses this rejection on the basis of the above amendments and the following arguments, and further contends that Thompson fails to teach or suggest each and every element of these amended claims, as described below, and hence, does not detract from the patentability of the claimed invention.

Claim 7 is cancelled and therefore the rejection of Claim 7 under 35 U.S.C. § 103(a) is considered moot. Claim 6 is amended to include the subject matter recited in originally filed Claim 7.

Claims 6 and 8-10 are directed to a system for providing service level management in a network. A service is composed of network components and a state of the service depends on a state of the network components. The system includes a first monitoring agent, a second monitoring agent, an alarm repository, and an alarm correlation agent. The first monitoring

agent is configured to monitor a respective first aspect of operation of the network. The first monitoring agent can detect one or more events relative to the first aspect of operation and can generate an alarm as a function of the one or more detected events. The second monitoring agent is configured to monitor a respective second aspect of operation of the network. The second aspect of operation of the network being different from the first aspect of operation of the network monitored by the first monitoring agent. The second monitoring agent can detect one or more events relative to the second aspect of operation and can generate an alarm as a function of the one or more detected events. The alarm repository receives one or more alarms from each of the first and second monitoring agents. The alarm correlation agent reads the one or more alarms in the alarm repository and determines a state of service from the read one or more alarms. The Thompson patent fails to teach or suggest such a system having such a structure and an operation and a function. Hence, the Thompson patent fails to render Claims 6 and 8-10 unpatentable.

The Thompson patent is concerned with a generic notifications framework system and method for enhancing operation of a management station on a network. The generic notifications framework system of Thompson includes amongst other elements an event translator element 252. The event translator of Thompson is configured to translate protocol specific event data into a canonical data structure having a format understandable by multiple consumer components to enable the sharing of events from different management protocols, such as SNMP, ISO, DCE, SNA, and NW. *See* column 7, lines 29-44 of Thompson. As such, the system of Thompson has a structure and a function and an operation, distinct from the structure and function and operation of the system for providing service level management in a network recited in Claims 6 and 8-10.

The system of Claims 6 and 8-10 includes a first and second monitoring agent, an alarm repository, and an alarm correlation agent. The alarm correlation agent reads one or more alarms in the alarm repository, and determines a state of a service from the read one or more alarms. In the Office Action, the Examiner cites element 252 illustrated in Figures 2, 6, and 7 as teaching or suggesting the claimed alarm correlation agent. Nevertheless, Figures 2, 6, and 7, and the corresponding text from the specification teach that element 252 is an event translator. That is,

the event translator of the Thompson patent is configured to translate event data in a protocol specific format into a standardized format or a canonical data structure. The canonical data structure is capable of being correlated with other canonical data structures corresponding to other event data, regardless of protocols associated with the event data. *See*, column 7, lines 38-44 of Thompson. The structure, operation, and function of the event translator provides a mechanism that formats data from a first format to a second standardized format where the second standardized format is a common data format understood by the generic notifications framework system of Thompson. Nowhere in the Thompson patent is there a teaching or suggestion that *an alarm correlation agent* reads one or more alarms in the alarm repository, and determines a state of a service from the read one or more alarms. The event translators of the Thompson patent are concerned with overcoming problems associated with data collection from data sources having multiple data formats. The event translator of Thompson is not an *alarm correlation agent* to read one or more alarms in the alarm repository, and to determine a state of a service from the read one or more alarms as recited in Claims 6 and 8-10. Accordingly, the Thompson patent fails to teach or suggest each and every element of Claims 6 and 8-10. Hence, Applicant respectfully requests the Examiner to reconsider and withdraw the rejections of Claims 6 and 8-10 under 35 U.S.C. § 103(a).

C. Rejection of Claims 11 and 12 under 35 U.S.C. § 103(a):

The Office Action rejects Claims 11 and 12 as being unpatentable in view of Thompson. Applicant respectfully traverses this rejection on the basis of the following arguments, and further contends that Thompson fails to teach or suggest all elements of these claims, as described below, and hence, does not detract from the patentability of the claimed invention.

Claims 11 and 12 are directed to a system for providing service level management in a network having at least one monitoring agent to monitor at least one aspect of operation of the network and to generate an alarm as a function of one or more detected events. A service under service level management is composed of network components and a state of the service depends on the state of the network components. The system includes an alarm correlation agent to receive the one or more alarms from the at least one monitoring agent to determine a state of a

service and, if necessary, to issue one or more instructions to establish a desired state of the service. The Thompson patent fails to teach or suggest such a system having such a structure and an operation and a function. Hence, the Thompson patent fails to render Claims 11 and 12 unpatentable.

The Thompson patent is concerned with a generic notifications framework system and method for enhancing operation of a management station on a network. The generic notifications framework system of Thompson includes amongst other elements an event translator element 252. The event translator of Thompson is configured to translate protocol specific event data into a canonical data structure having a format understandable by multiple consumer components to enable the sharing of events from different management protocols, such as SNMP, ISO, DCE, SNA, and NW. *See* column 7, lines 29-44 of Thompson. As such, the system of Thompson has a structure and a function and an operation, distinct from the structure and function and operation of the system for providing service level management in a network recited in Claims 11 and 12.

The system of Claims 11 and 12 includes an alarm correlation agent to receive one or more alarms from at least one monitoring agent to determine a state of a service and, if necessary, to issue one or more instructions to establish a desired state of the service. In the Office Action, the Examiner cites element 252 illustrated in Figures 2, 6, and 7 as teaching or suggesting the claimed alarm correlation agent. Nevertheless, Figures 2, 6, and 7, and the corresponding text from the specification teach that element 252 is an event translator. That is, the event translator of the Thompson patent is configured to translate event data in a protocol specific format into a standardized format or a canonical data structure. The canonical data structure is capable of being correlated with other canonical data structures corresponding to other event data, regardless of protocols associated with the event data. *See*, column 7, lines 38-44 of Thompson. The structure, operation, and function of the event translator provides a mechanism that formats data from a first format to a second standardized format where the second standardized format is a common data format understood by the generic notifications framework system of Thompson. Nowhere in the Thompson patent is there a teaching or

suggestion that an *alarm correlation agent* to receive one or more alarms from at least one monitoring agent to determine a state of a service and, if necessary, to issue one or more instructions to establish a desired state of the service. The event translators of the Thompson patent are concerned with overcoming problems associated with data collection from data sources having multiple data formats. The event translator of Thompson is not an *alarm correlation agent* to receive one or more alarms from at least one monitoring agent to determine a state of a service and, if necessary, to issue one or more instructions to establish a desired state of the service as recited in Claims 11 and 12. Accordingly, the Thompson patent fails to teach or suggest each and every element of Claims 11 and 12. Hence, Applicant respectfully requests the Examiner to reconsider and withdraw the rejections of Claims 11 and 12 under 35 U.S.C. §103(a).

D. Rejection of Claims 13-17 under 35 U.S.C. § 103(a):

The Office Action rejects Claims 13-17 as being unpatentable in view of Thompson. Applicant respectfully traverses this rejection on the basis of the above amendments and following arguments, and further contends that Thompson fails to teach all elements of these amended claims, as described below, and hence does not detract from the patentability of the claimed invention.

Amended Claims 13-17 are directed to a method of providing service level management in a network. A service associated with the network is composed of network components and a state of the service depends on the state of the network components. Performance of the method monitors one or more aspects of operation of the network and detecting one or more events relative to the one or more aspects of operation and generates an alarm for a respective aspect of network operation as a function of the respective detected one or more events. Performance of the method further determines a relationship between the one or more alarms and determines a state of the service as a function of the relationship between the one or more alarms. The Thompson patent fails to teach or suggest such a method having such a structure and an operation and a function. Hence, the Thompson patent fails to render amended Claims 13-17 unpatentable.

The Thompson patent is concerned with a generic notifications framework system and method for enhancing operation of a management station on a network. The generic notifications framework system of Thompson includes amongst other elements an event translator element 252. The event translator of Thompson is configured to translate protocol specific event data into a canonical data structure having a format understandable by multiple consumer components to enable the sharing of events from different management protocols, such as SNMP, ISO, DCE, SNA, and NW. *See* column 7, lines 29-44 of Thompson. As such, the system of Thompson has a structure and a function and an operation, distinct from the structure and function and operation of the method of providing service level management in a network recited in amended Claims 13-17.

The method of amended Claims 13-17 includes a step of determining a relationship between one or more alarms and determining a state of the service as a function of the relationship between the one or more alarms. In the Office Action, the Examiner cites element 252 illustrated in Figures 2, 6, and 7 as teaching or suggesting the claimed step of determining a relationship between one or more alarms and determining a state of the service as a function of the relationship between the one or more alarms. Nevertheless, Figures 2, 6, and 7, and the corresponding text from the specification teach that element 252 is an event translator. That is, the event translator of the Thompson patent is configured to translate event data in a protocol specific format into a standardized format or a canonical data structure. The canonical data structure is capable of being correlated with other canonical data structures corresponding to other event data, regardless of protocols associated with the event data. *See*, column 7, lines 38-44 of Thompson. The structure, operation, and function of the event translator provides a mechanism that formats data from a first format to a second standardized format where the second standardized format is a common data format understood by the generic notifications framework system of Thompson. Nowhere in the Thompson patent is there a teaching or suggestion a step of determining a relationship between one or more alarms and determining a state of the service as a function of the relationship between the one or more alarms. The event translators of the Thompson patent are concerned with overcoming problems associated with

data collection from data sources having multiple data formats. The event translator of Thompson does not perform a step of determining a relationship between one or more alarms and determining a state of the service as a function of the relationship between the one or more alarms as recited in amended Claims 13-17. Accordingly, the Thompson patent fails to teach or suggest each and every element of amended Claims 13-17. Hence, Applicant respectfully requests the Examiner to reconsider and withdraw the rejections of Claims 13-17 under 35 U.S.C. §103(a).

E. Rejection of Claims 18-20 under 35 U.S.C. § 103(a):

The Office Action rejects Claims 18-20 as being unpatentable in view of Thompson. Applicant respectfully traverses this rejection on the basis of the above amendments and the following arguments, and further contends that Thompson fails to teach or suggest all elements of these amended claims, as described below, and hence, does not detract from the patentability of the claimed invention.

Claim 19 is cancelled and therefore the rejection of Claim 19 is considered moot. Claim 18 has been amended to include the subject matter recited in original Claim 19.

Claims 18 and 20 are directed to a method of providing service level management in a network. A service under service level management is composed of network components and a state of the service depends on a state of the network components. The method includes a number of steps, which include monitoring a first aspect of operation of the network and detecting one or more events relative to the first aspect of network operation. Another step of the method includes monitoring a second aspect of operation of the network, the second aspect of operation being different from the first aspect of operation, and detecting one or more events relative to the second aspect of network operation. Other steps of the method include generating a first alarm as a function of the detected one or more events relative to the first aspect of network operation and generating a second alarm as a function of the detected one or more events relative to the second aspect of network operation. Performance of the method sends the first and second alarm to an alarm repository. By accessing the first and second alarms from the

alarm repository and determining a state of service as a function of the access first and second alarms the method provides service level management in a network. The Thompson patent fails to teach or suggest such a method having such a structure and an operation and a function. Hence, the Thompson patent fails to render amended Claim 18 and Claim 20 unpatentable.

The Thompson patent is concerned with a generic notifications framework system and method for enhancing operation of a management station on a network. The generic notifications framework system of Thompson includes amongst other elements an event translator element 252. The event translator of Thompson is configured to translate protocol specific event data into a canonical data structure having a format understandable by multiple consumer components to enable the sharing of events from different management protocols, such as SNMP, ISO, DCE, SNA, and NW. *See* column 7, lines 29-44 of Thompson. As such, the system of Thompson has a structure and a function and an operation, distinct from the structure and function and operation of the method of providing service level management in a network recited in amended Claim 18 and Claim 20.

The method of Claims 18 and 20, as amended, includes steps of accessing the first and second alarms from the alarm repository, and determining a state of a service as a function of the accessed first and second alarms. In the Office Action, the Examiner cites correlators 706 as teaching or suggesting the claimed steps of accessing the first and second alarms from the alarm repository, and determining a state of a service as a function of the accessed first and second alarms. Nevertheless, Figure 7, and the corresponding text from the specification teach that correlators 706 write is capable of writing to alarm store 710, but nowhere does the Thompson patent teach or suggest the correlators 706 access first and second alarms from the alarm repository, and determining a state of a service as a function of the accessed first and second alarms. The correlators 706 merely determine when alarms are created. *See* column 11, lines 17-18 of Thompson. That is, as the correlators 706 detect alarm condition state changes, the correlators 706 invoke the alarm service 704 to create a corresponding alarm or update their state values. *See* column 11, lines 34-37 of Thompson. The structure, operation, and function of the correlators provide a mechanism that monitors an alarm state to determine when an alarm is true. Nowhere in the

Thompson patent is there a teaching or suggestion of steps of accessing first and second alarms from an alarm repository, and determining a state of a service as a function of the accessed first and second alarms. The correlators of the Thompson patent are concerned with monitoring and are not concerned with accessing an alarm depository and determining a state of a service as a function of the accessed alarms. Accordingly, the Thompson patent fails to teach or suggest each and every element of Claims 18 and 20, as amended. Hence, Applicant respectfully requests the Examiner to reconsider and withdraw the rejections of Claims 18 and under 35 U.S.C. §103(a).

F. Rejection of Claim 21 under 35 U.S.C. § 103(a):

The Office Action rejects Claim 21 as being unpatentable in view of Thompson. Applicant's respectfully traverse this rejection on the basis of the above amendments and the following arguments, and further contend that Thompson fails to teach or suggest all elements of this amended claim, as described below, and hence does not detract from the patentability of the claimed invention.

Amended Claim 21 is directed to a computer program product. The claimed computer program product includes computer program instructions on the computer readable medium. The computer program instructions, when executed by a computer, direct the computer to perform a method of providing service level management in a network. A service under service level management is composed of network components and a state of the service depends on a state of the network components. The method includes a number of steps amongst which include monitoring one or more aspects of operation of the network and detecting one or more events relative to the one or more aspects of operation. Other steps of the method generate an alarm for a respected aspect of network operation as a function of the respective detected one or more events, determine an association between the one or more alarms and determine a state of a service as a function of the association. The Thompson patent fails to teach or suggest such a computer program product having such a structure and an operation and a function. Hence, the Thompson patent fails to render amended Claim 21 unpatentable.

The Thompson patent is concerned with a generic notifications framework system and method for enhancing operation of a management station on a network. The generic notifications framework system of Thompson includes amongst other elements an event translator element 252. The event translator of Thompson is configured to translate protocol specific event data into a canonical data structure having a format understandable by multiple consumer components to enable the sharing of events from different management protocols, such as SNMP, ISO, DCE, SNA, and NW. *See* column 7, lines 29-44 of Thompson. As such, the system of Thompson has a structure and a function and an operation, distinct from the structure and function and operation of the method of providing service level management in a network recited in amended Claim 21.

The computer program product of amended Claim 21 includes a step of determining an association between the one or more alarms and determining a state of a service as a function of the association. In the Office Action, the Examiner cites element 252 illustrated in Figures 2, 6, and 7 as teaching or suggesting the claimed step of determining an association between the one or more alarms and determining a state of a service as a function of the association s. Nevertheless, Figures 2, 6, and 7, and the corresponding text from the specification teach that element 252 is an event translator. That is, the event translator of the Thompson patent is configured to translate event data in a protocol specific format into a standardized format or a canonical data structure. The canonical data structure is capable of being correlated with other canonical data structures corresponding to other event data, regardless of protocols associated with the event data. *See*, column 7, lines 38-44 of Thompson. The structure, operation, and function of the event translator provides a mechanism that formats data from a first format to a second standardized format where the second standardized format is a common data format understood by the generic notifications framework system of Thompson. Nowhere in the Thompson patent is there a teaching or suggestion a step of determining a relationship between one or more alarms and determining a state of the service as a function of the relationship between the one or more alarms. The event translators of the Thompson patent are concerned with overcoming problems associated with data collection from data sources having multiple data formats. The event translator of Thompson does not perform a step of determining an association between the one or

more alarms and determining a state of a service as a function of the association as recited in amended Claim 21. Accordingly, the Thompson patent fails to teach or suggest each and every element of amended Claim 21. Hence, Applicant respectfully requests the Examiner to reconsider and withdraw the rejections of Claim 21 under 35 U.S.C. §103(a).

G. Rejection of Claim 22 under 35 U.S.C. § 103(a):

The Office Action rejects Claim 22 as being unpatentable in view of Thompson. Applicant respectfully traverses this rejection on the basis of the above amendments and the following arguments, and further contends that Thompson fails to teach or suggest all elements of this amended claim, as described below, and hence does not detract from the patentability of the claimed invention.

Amended Claim 22 is directed to a system for providing service level management in a network. A service associated with service level management is composed of network components and a state of the service depends on a state of the network components. The system includes means for monitoring one or more aspects of operation of the network and detecting one or more events relative to the one or more aspects of network operation. The system also includes means for generating an alarm for a respective aspect of network operation as a function of the respective detected one or more events and includes means for associating the one or more alarms and determining a state of the service as a function of the associated one or more alarms. The Thompson patent fails to teach or suggest such a system having such a structure and an operation and a function. Hence, the Thompson patent fails to render amended Claim 22 unpatentable.

The Thompson patent is concerned with a generic notifications framework system and method for enhancing operation of a management station on a network. The generic notifications framework system of Thompson includes amongst other elements an event translator element 252. The event translator of Thompson is configured to translate protocol specific event data into a canonical data structure having a format understandable by multiple consumer components to enable the sharing of events from different management protocols, such

as SNMP, ISO, DCE, SNA, and NW. *See* column 7, lines 29-44 of Thompson. As such, the system of Thompson has a structure and a function and an operation, distinct from the structure and function and operation of the system for providing service level management in a network recited in amended Claim 22.

The system of amended Claim 22 includes a means for associating the one or more alarms and determining a state of the service as a function of the associated alarms. In the Office Action, the Examiner cites element 252 illustrated in Figures 2, 6, and 7 as teaching or suggesting the means for associating the one or more alarms and determining a state of the service as a function of the associated alarms. Nevertheless, Figures 2, 6, and 7, and the corresponding text from the specification teach that element 252 is an event translator. That is, the event translator of the Thompson patent is configured to translate event data in a protocol specific format into a standardized format or a canonical data structure. The canonical data structure is capable of being correlated with other canonical data structures corresponding to other event data, regardless of protocols associated with the event data. *See*, column 7, lines 38-44 of Thompson. The structure, operation, and function of the event translator provides a mechanism that formats data from a first format to a second standardized format where the second standardized format is a common data format understood by the generic notifications framework system of Thompson. Nowhere in the Thompson patent is there a teaching or suggestion a step of determining a relationship between one or more alarms and determining a state of the service as a function of the relationship between the one or more alarms. The event translators of the Thompson patent are concerned with overcoming problems associated with data collection from data sources having multiple data formats. The event translator of Thompson does not associate one or more alarms and determine a state of a service as a function of the associated alarms as recited in amended Claim 22. Accordingly, the Thompson patent fails to teach or suggest each and every element of amended Claim 22. Hence, Applicant respectfully requests the Examiner to reconsider and withdraw the rejections of Claim 22 under 35 U.S.C. §103(a).

H. Rejection of Claims 23-25 under 35 U.S.C. § 103(a):

The Office Action rejects Claims 23-25 as being unpatentable in view of Thompson. Applicant respectfully traverses this rejection on the basis of the above amendments and the following arguments, and further contends that Thompson fails to teach or suggest all elements of these claims, as described below, and hence does not detract from the patentability of the claimed invention.

Claims 23-25 are directed to a system for providing service level management in a network. A service under service level management is composed of network components and a state of the service depends on the state of the network components. The system includes multiple monitoring agents to each monitor a respective aspect of operation of the network. Each monitoring agent detects one or more events relative to the respective aspect of operation and generates an alarm as a function of the one or more detected events. Each monitoring agent includes an alarm correlation agent to receive one or more alarms from the other monitoring agents for consideration in generation of the alarm as a function of the one or more detected event. Further, each monitoring agent includes a control agent to issue one or more instructions regarding a respective aspect of operation of the network in order to establish a desired state of a service. The Thompson patent fails to teach or suggest such a system having such a structure and an operation and a function. Hence, the Thompson patent fails to render Claims 23-25 unpatentable.

The Thompson patent is concerned with a generic notifications framework system and method for enhancing operation of a management station on a network. The generic notifications framework system of Thompson includes amongst other elements an event translator element 252. The event translator of Thompson is configured to translate protocol specific event data into a canonical data structure having a format understandable by multiple consumer components to enable the sharing of events from different management protocols, such as SNMP, ISO, DCE, SNA, and NW. *See* column 7, lines 29-44 of Thompson. As such, the system of Thompson has a structure and a function and an operation, distinct from the structure

and function and operation of the system for providing service level management in a network recited in Claims 23-25.

The system of Claims 23-25 includes multiple monitoring agents and each monitoring agent includes an alarm correlation agent and a control agent. In the Office Action, the Examiner cites element 252 illustrated in Figures 2, 6, and 7, and element 206 as teaching or suggesting monitoring agents that each include multiple monitoring agents and a control agent. Nevertheless, Figures 2, 6, and 7, and the corresponding text from the specification teach that element 252 is an event translator. That is, the event translator of the Thompson patent is configured to translate event data in a protocol specific format into a standardized format or a canonical data structure. The canonical data structure is capable of being correlated with other canonical data structures corresponding to other event data, regardless of protocols associated with the event data. *See*, column 7, lines 38-44 of Thompson. The structure, operation, and function of the event translator provides a mechanism that formats data from a first format to a second standardized format where the second standardized format is a common data format understood by the generic notifications framework system of Thompson. Nowhere in the Thompson patent is there a teaching or suggestion of multiple monitoring agents and each monitoring agent includes an alarm correlation agent and a control agent. The event translators of the Thompson patent are concerned with overcoming problems associated with data collection from data sources having multiple data formats. Neither the event translator nor the monitor element 206 of Thompson include an alarm correlation agent and a control agent as recited in Claims 23-25. Accordingly, the Thompson patent fails to teach or suggest each and every element of Claims 23-25. Hence, Applicant respectfully requests the Examiner to reconsider and withdraw the rejections of Claims 23-25 under 35 U.S.C. §103(a).

I. Rejection of Claim 26 under 35 U.S.C. § 103(a):

The Office Action rejects Claim 26 as being unpatentable in view of Thompson. Applicant respectfully traverses this rejection on the basis of the above the following arguments, and further contends that Thompson fails to teach or suggest all elements of this amended claim, as described below, and hence does not detract from the patentability of the claimed invention.

Amended Claim 26 is directed to a computer program product. The claimed computer program product includes a computer readable medium and computer program instructions on the computer readable medium. The computer program instructions, when executed by a computer, direct the computer to perform a method of providing service level management in a network. A service associated with the service level management is composed of network components and a state of the service depends on a state of the network components. The method includes, for each of a plurality of agents a number of steps including monitoring one or more aspects of the respective operation of the network and detecting the one or more events relative to the respective one or more aspects of operation. Another step of the method includes generating an alarm for the respective aspect of network operation as a function of the respective detected one or more events. The method also includes a step of communicating with the agents to access events or alarms in the respective operation of the other monitoring agent and determining an existence of an association between these events or alarms from other monitoring agents in the alarm generated for the respective aspect of network operation. The Thompson patent fails to teach or suggest such a computer program product having such a structure and an operation and a function. Hence, the Thompson patent fails to render amended Claim 26 unpatentable.

The Thompson patent is concerned with a generic notifications framework system and method for enhancing operation of a management station on a network. The generic notifications framework system of Thompson includes amongst other elements an event translator element 252. The event translator of Thompson is configured to translate protocol specific event data into a canonical data structure having a format understandable by multiple consumer components to enable the sharing of events from different management protocols, such as SNMP, ISO, DCE, SNA, and NW. *See* column 7, lines 29-44 of Thompson. As such, the system of Thompson has a structure and a function and an operation, distinct from the structure and function and operation of the computer program product for providing service level management in a network recited in amended Claim 26.

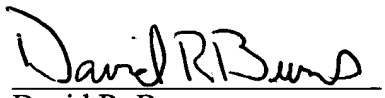
The computer program product of Claim 26 includes a step of communicating with the other agents to access events or alarms in the respective operation of the other monitoring agent, and determining an existence of an association between these events or alarms from other monitoring agents in the alarm generated for the respective aspect of network operation. In the Office Action, the Examiner cites element 252 illustrated in Figures 2, 6, and 7, and element 206 as teaching or suggesting such a step. Nevertheless, Figures 2, 6, and 7, and the corresponding text from the specification teach that element 252 is an event translator. That is, the event translator of the Thompson patent is configured to translate event data in a protocol specific format into a standardized format or a canonical data structure. The canonical data structure is capable of being correlated with other canonical data structures corresponding to other event data, regardless of protocols associated with the event data. *See*, column 7, lines 38-44 of Thompson. The structure, operation, and function of the event translator provides a mechanism that formats data from a first format to a second standardized format where the second standardized format is a common data format understood by the generic notifications framework system of Thompson. Nowhere in the Thompson patent is there a teaching or suggestion of communicating with the other agents to access events or alarms in the respective operation of the other monitoring agent, and determining an existence of an association between these events or alarms from other monitoring agents in the alarm generated for the respective aspect of network operation. The event translators of the Thompson patent are concerned with overcoming problems associated with data collection from data sources having multiple data formats. Neither the event translator nor the monitor element 206 of Thompson perform a step of communicating with the other agents to access events or alarms in the respective operation of the other monitoring agent, and determining an existence of an association between these events or alarms from other monitoring agents in the alarm generated for the respective aspect of network operation as recited in amended Claim 26. Accordingly, the Thompson patent fails to teach or suggest each and every element of amended Claim 26. Hence, Applicant respectfully requests the Examiner to reconsider and withdraw the rejections of Claim 26 under 35 U.S.C. §103(a).

CONCLUSION

In view of the remarks set forth above, Applicants contend that Claims 1-26 are presently pending in this application, are patentable, and in condition for allowance. If the Examiner deems there are any remaining issues, we invite the Examiner to call the undersigned at (617) 227-7400.

Respectfully submitted,

LAHIVE & COCKFIELD, LLP



David R. Burns
Attorney for Applicant
Reg. No. 46,590

28 State Street
Boston, MA 02109
Tel. (617) 227-7400

Date: June 10, 2004